

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EBEN ALEXANDER, III, M.D.)	
)	
v.)	C.A. No. 04-10738-MLW
)	
BRIGHAM AND WOMEN'S PHYSICIANS)	
ORGANIZATION, INC., et al.)	

ORDER

WOLF, D.J. September 7, 2006

For the reasons described in court on September 7, 2006, it is hereby ORDERED that:

1. Counsel shall consult the parties and, by September 15, 2006, state whether the parties believe that, in view of my association with Dr. Gary Gottlieb, my recusal is required by 28 U.S.C. §455(a) and, in any event, whether they wish to waive this possible ground for recusal pursuant to 28 U.S.C. §455(e).

2. Any party who intends to file a motion in limine shall do so by September 25, 2006. Any response to a motion in limine shall be filed by October 10, 2006.

3. The parties shall, by October 10, 2006, file proposed findings of fact, proposed conclusions of law and, if necessary, a brief bench memorandum.

4. The bench trial of this action shall commence on October 19, 2006, and will continue day to day. Each party will be allowed up to 3.5 hours to present its case.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE